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February 3, 2005

Debbie Irvin, Clerk to the Board
Executive Office
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

SPECIAL HEARING
2/3/05
cc: BD, DI, DWQ
e-cys: BD, CC, HMS, TH, CMW

Subject: Comments to the Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Industrial Storm Water Discharges, Water Quality Order No. 97-03-DWQ

Dear Ms. Irvin and Members of the Board:

US Borax Incorporated (US Borax) currently operates a manufacturing facility located at 300 Falcon Street in Wilmington, California. The facility lies within the harbor district of the Port of Los Angeles. The facility stores, manufactures, and distributes boron-based compounds used in a variety of commercial applications including insulation fiberglass, cleaning products, pharmaceuticals, fertilizers, insecticides, and wood preservatives. US Borax began operations at the site in 1928 and currently employs approximately 120 people.

Storm water discharges at the site are regulated under the General Permit for Industrial Storm Water Discharges (General Permit). The facility manages storm water runoff through a Storm Water Pollution Prevention Plan (SWPPP) and Monitoring and Reporting Plan (MRP). Source-control Best Management Practices (BMPs) have been developed and are implemented at the site, including good housekeeping, preventive maintenance, proper materials handling and storage, proper waste handling, and spill prevention and response.

Recently, US Borax obtained a copy of the proposed Draft General Permit dated December 15, 2004. In addition, we attended the public hearing in Rancho Cucamonga, California on January 31, 2005. We appreciate the opportunity to provide the following comments on this Draft General Permit as it may directly affect the operations at the US Borax Wilmington facility.

1 Proposed numeric effluent limits (benchmark values) are too stringent and may lead to site closure.

The 2004 Draft Permit proposes defacto numeric effluent limits (USEPA benchmark values) for discharges of storm water from a site. If a discharger exceeds one of these

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benchmarks, then actions are required to discover its source, implement additional BMPs, and then continue sampling until the analytical data show that the limits are not exceeded for two consecutive storm events.

As a manufacturer of a water-soluble mineral product, the ability of the US Borax facility to meet the proposed benchmark values for storm water discharge is questionable. The limitations proposed for specific conductance and total suspended solids values are of significant concern for US Borax Wilmington site.

As noted, the facility currently implements several structural and non-structural BMPs to limit the contact of the mineral product with storm water. However, if these benchmark values are implemented, significant and prohibitively expensive BMPs may be necessary, including the potential construction of roofing over the entire site. Incorporation of the proposed benchmark values will cause US Borax to evaluate its ability to effectively operate at the Wilmington site and consider moving operations overseas to avoid these regulatory requirements.

2. Numerical limits are inappropriate and impractical

On page -XVI- the Fact sheet states that numerical limits are very difficult to calculate and that "...the SWRCB considers the difficulty and costs associated with developing quantitative sampling and analysis programs to all 9,500 facilities currently permitted to outweigh the limited benefits." Yet, that is essentially what the SWRCB has done by establishing the EPA benchmark values that if exceeded trigger a re-evaluation of the SWPPP, and additional monitoring until compliance is demonstrated. As stated on page -XVII- "Failure to implement additional sampling and analysis as a result of an exceedance of a benchmark value from a qualifying storm event is a violation of this General Permit." Therefore, we conclude that the EPA benchmark values are in fact, numerical effluent limits to which we will be held although this was not EPA's intent of the benchmarks.

As explained in the DMR guidance, EPA intended analytical results from four monitoring events be **averaged** and then compared to the benchmark values. Therefore, the use of these benchmark values to compare individual analyses is not what EPA intended, nor is it appropriate to do so. This explains why the benchmark values for copper, lead, and zinc are 75, 163, and 769 times the limits, respectively in the California Toxics Rule.

It is inconsistent of the SWRCB to acknowledge the difficulty and cost of "accurate" monitoring given the variability of storm events and then require a one-time monitoring suite with which the SWRCB intends to develop numerical limits as stated on page -IV-. Such a monitoring scheme to develop numerical limits is not scientifically defensible. This is a cheap solution to a complex problem, that will not improve water quality but will make it impossible for facilities to comply in the State of California.

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3. A determination that pollutants are not linked to industrial activities may not be possible.

As part of the facility evaluation to determine the source of an exceedance, the Draft General Permit requires a determination be made if the pollutants are linked to an industrial activity. It is unclear how this determination would be accomplished.

The US Borax facility is located in a highly industrial area along the Los Angeles harbor district. Storm water may collect potential contaminants in the air, deposited on rooftops and building structures, or embedded within the large paved asphalt surfaces at the site. Our neighbors on either side may significantly contaminate our site from their petroleum ship loading operations. It is questionable under these circumstances to identify where appropriate monitoring can be conducted to determine if specific contaminants can be linked to an industrial activity. In addition, contaminants may be detected that do not originate from any industrial activities currently conducted at the site. Conducting further monitoring to find a potential off-site source for this contamination would be cost prohibitive and impractical.

4. Implementation of additional BMPs within a 90-day period may not be feasible.

The Draft General permit requires that dischargers shall revise their SWPPP and implement BMPs in a timely manner but in no case more than 90 days after a determination that the SWPPP is in violation of any permit requirement. This requirement includes the implementation of BMPs to meet the proposed benchmark values. If significant BMPs are required to potentially meet these limits, such as installation of structural covers or the installation of a storm water collection and treatment system, implementation of these actions within a 90-day period may not be feasible.

5. Additional visual observations will burden the existing limited environmental staff.

The Draft General Permit requires additional visual observations of the facility be conducted on a weekly basis and before every anticipated storm event. The US Borax Wilmington facility has a limited environmental staff and this requirement will require a significant commitment of time. Visually observing the entire outdoors area associated with the facility manufacturing operations may take several hours.

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6. Limitations on combining storm water samples are not justified and will increase costs.

The Draft General Permit provides an option of combining samples from no more than four drainage areas into one sample for analysis based upon equal volumes from each drainage area. We consider this restriction to be arbitrary and inappropriate. This requirement would generate additional samples and necessitate the additional expense of shipping all collected samples to the analytical laboratory to have the appropriate composite sample prepared in the lab. This requirement would increase our sampled sites from five to ten and will require our sampling technicians to carry fifty sample containers. It is doubtful they could take fifty grab samples in the one-hour "first flush" time requirement.

We would prefer to consolidate "like" areas as required in our current permit.

7. Additional analytical requirements implied beyond the parameters of the benchmark values will significantly increase costs.

The Draft General Permit states that facilities shall analyze all storm water samples for "parameters indicating the presence of pollutants that may be causing or contributing to an existing exceedance of a WQS in the facility's receiving waters." The US Borax Wilmington facility discharges into the Los Angeles Harbor that is considered a 303(d) List body of water. This requirement appears to require that the US Borax facility must conduct additional analyses for those pollutants that cause impairments to receiving waters included in the 303(d) List and for those pollutants for which a TMDL has been established. This will significantly increase the analytical costs for potential constituents that have no established source at the US Borax facility.

Thank you for the opportunity to comment on the proposed revisions to the Industrial General Permit. If you have any questions about our comments, please contact me at (310) 522-5332.

Sincerely,


Charles St. John
Environmental Engineer
US Borax Inc.

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